

**ZONING BOARD OF APPEALS
MEETING MINUTES**

JANUARY 3, 2005

PRESENT: Mary Cardin, Mark Spurling, Kenneth Braga, Richard Cleary, and Alternates Robert Wambolt and Adam LaFleche

ABSENT: Robert Palozej, Alfred Francis and Alternate Joseph Snyder

STAFF

PRESENT: Rick Kalva, ZEO and Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:05 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #V200422—Ellington Water Pollution Control Authority for a variance to Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements Schedule and Footnotes to Area & Yard Requirements Schedule: to reduce front yard setback from 50 feet to 20 feet and to reduce side yard setback from 50 feet to 36 feet on property located at 77 Meadowbrook Road, APN 091-009-0000 in an I Zone.

TIME: 7:06 PM

SEATED: R. Cleary, M. Cardin, K. Braga, A. LaFleche, & R. Wambolt (Recused: M. Spurling)

Chair Cardin noted that the file contained the certificate of mailing verification and reviewed the staff comments.

Pam Lombardo, WPCA Administrator, came forward to explain the request. Mrs. Lombardo explained that the purpose of the proposed pump station is to provide gravity feed for the proposed sewer project.

Chair Cardin asked if there were any other locations that the pump station could be placed and was told by Mrs. Lombardo that in order to have a gravity line a certain depth and location is required. Chair Cardin asked if there were any alternatives and was told that this was the least costly option for the Town. She noted that the WPCA has purchased the easement for the pump station and that the Town has received a \$500,000 grant to go forward with the sewer project.

MOVED (BRAGA), SECONDED (CLEARY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200422—WATER POLLUTION CONTROL AUTHORITY.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE #V200422—WATER POLLUTION CONTROL AUTHORITY.

HARDSHIP: NO OTHER LOCATION FROM AN ENGINEERING STANDPOINT.

2. #V200423 – Frederick Moody for location approval of general auto repair and used car dealer license per CGS – 14-55 on property located at 408 Somers Road, APN 121-029-0000 in an I Zone.

TIME: 7:12 PM

SEATED: R. Cleary, M. Cardin, K. Braga, M. Spurling, A. LaFleche, & R. Wambolt

Chair Cardin noted that the file contained the certificate of mailing verification and reviewed the staff comments.

Attorney Bruce Fader explained the request on behalf of his client, Frederick Moody. Attorney Fader stated that his client is looking a location approval for general repair and a used car dealer's license. Attorney Fader noted that this location had been approved for this use previously by the ZBA.

Chair Cardin read a letter from the Town Attorney, which states that although the location had been previously approved by the ZBA, there are no provisions in the statute that exempt a new owner from needing to obtain location approval from the ZBA. The letter also noted that the board does not have the authority to deny it if it is essentially the same application.

MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200423—FREDERICK MOODY.

MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE #V200423—FREDERICK MOODY.

IV. UNFINISHED BUSINESS: NONE

V. NEW BUSINESS:

1. Election of Officers

MOVED (BRAGA), SECONDED (CLEARY) AND PASSED (ABSTAINED: CARDIN) TO ELECT MARY CARDIN AS CHAIR.

MOVED (SPURLING), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO ELECT KEN BRAGA AS VICE CHAIR.

2. General Discussion of Zoning Regulations

Commissioner Spurling explained that although the zoning regulations have a building coverage allowance for the residential zones, it does not have an impervious surface coverage requirement. He expressed concern about this, when it involves small parcels, especially near Crystal Lake. He suggested getting regulations from other towns for the board's review.

Commissioner Cleary expressed his concern for allowing use variances in the industrial and commercial zones, noting that the town only has a small of land zoned that way. He also takes issue with the existing regulation that states if there is an existing residence in on of those zones, the commercial or industrial parcel is required to increase their setbacks. He requested that the board be provided with a map showing the Windermere Avenue industrial area, showing the difference uses. The board discussed the impact to the town by allowing these practices to continue in the industrial and commercial zones. They requested regulations from other towns on their practices of industrial and commercial zones for use variances and for residential and setbacks.

The board requested that this item be carried on the agenda.

BY CONSENSUS, THE BOARD REQUESTED THAT THIS ITEM BE KEPT ON THE AGENDA & THAT ZONING REGULATIONS FROM OTHER TOWNS BE INCLUDED IN THE NEXT AGENDA PACKET REGARDING IMPERVIOUS SURFACE COVERAGE IN RESIDENTIAL ZONES, EXISTING NON-CONFORMING USES IN INDUSTRIAL & COMMERCIAL ZONES, & A MAP SHOWING THE EXISTING USES IN THE INDUSTRIAL AREA ON WINDERMERE AVENUE.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of the November 1, 2004 Meeting Minutes.

MOVED (CLEARY), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 1, 2004 MEETING MINUTES.

2. Correspondence:
 - a. Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter
 - b. CBA Education & Training Brochure 3/5/05
 - c. Memo to Land Use Commissions from Matt Davis dated, 12/21/04

SO NOTED.

VII. ADJOURNMENT:

MOVED (BRAGA), SECONDED (CLEARY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:50 PM.

Respectfully Submitted,

Reanna Goodreau
Recording Secretary